

PATENT COOPERATION TREATY

PCT

JC

From the INTERNATIONAL SEARCHING AUTHORITY

To:
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INVITATION TO PAY ADDITIONAL FEES

(PCT Article 17(3)(a) and Rule 40.1)

REGISTERED MAIL

Applicant's or agent's file reference PCT25625	Date of mailing (day/month/year) 13/09/2004
International application No. PCT/IT2004/000334	International filing date (day/month/year) 08/06/2004
Applicant CENTRO DESIGN S.A.S. DI ALDO CIABATTI	

1. This International Searching Authority

(i) considers that there are 2 (number of) inventions claimed in the international application covered by the claims indicated ~~XXX~~ on the extra sheet:

and it considers that the international application does not comply with the requirements of unity of invention (Rules 13.1, 13.2 and 13.3) for the reasons indicated ~~XXX~~ on the extra sheet:

(ii) ☒ has carried out a partial international search (see Annex) ☐ will establish the international search report on those parts of the international application which relate to the invention first mentioned in claims Nos.:

1 - 18

(iii) will establish the international search report on the other parts of the international application only if, and to the extent to which, additional fees are paid

2. The applicant is hereby **invited**, within the time limit indicated above, to pay the amount indicated below:

EUR 1.550,00 x 1 = EUR 1.550,00
 Fee per additional invention number of additional inventions total amount of additional fees

Or, _____ x _____ = _____

The applicant is informed that, according to Rule 40.2(c), the payment of any additional fee may be made under protest, i.e., a reasoned statement to the effect that the international application complies with the requirement of unity of invention or that the amount of the required additional fee is excessive.

3. ☒ Claim(s) Nos. 27 have been found to be unsearchable under Article 17(2)(b) because of defects under Article 17(2)(a) and therefore have not been included with any invention.

Name and mailing address of the International Searching Authority European Patent Office, P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016	Authorized officer Bruno Gamboa Susin
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**Annex to Form PCT/ISA/206
COMMUNICATION RELATING TO THE RESULTS
OF THE PARTIAL INTERNATIONAL SEARCH**

International Application No

PCT/IT2004/000334

1. The present communication is an Annex to the invitation to pay additional fees (Form PCT/ISA/206). It shows the results of the international search established on the parts of the international application which relate to the invention first mentioned in claims Nos.:
- see 'Invitation to pay additional fees'
2. This communication is not the international search report which will be established according to Article 18 and Rule 43.
3. If the applicant does not pay any additional search fees, the information appearing in this communication will be considered as the result of the international search and will be included as such in the international search report.
4. If the applicant pays additional fees, the international search report will contain both the information appearing in this communication and the results of the international search on other parts of the international application for which such fees will have been paid.

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 3 070 933 A (CARTER PAUL H ET AL) 1 January 1963 (1963-01-01) column 4, line 57 - line 75; claims 1-3; figures 1,2,11 -----	1-5,7-11
A	US 2003/085237 A1 (BRUNNER CHARLES S ET AL) 8 May 2003 (2003-05-08) paragraph '0024! - paragraph '0028!; figures -----	1-11
A	US 3 001 770 A (ALFRED MUELLER) 26 September 1961 (1961-09-26) column 1, line 67 - column 2, line 19; figures -----	1-11
A	US 2 919 724 A (ANDERSON RALPH F) 5 January 1960 (1960-01-05) column 3, line 33 - line 47; figures -----	1-11
A	WO 93/00824 A (HENNIG OLSEN IS AS) 21 January 1993 (1993-01-21) page 4, paragraph 1 page 5, paragraph 3; figure 1 -----	1
A	EP 0 770 332 A (NESTLE SA) 2 May 1997 (1997-05-02) column 2, line 51 - line 59 -----	1

☐ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

* Special categories of cited documents :

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- *&* document member of the same patent family

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. claims: 1-18

apparatus for dispensing paste food comprising a rotatable tray for conveying the receptacles

2. claims: 19-26

Delivery means for paste food comprising a piston and a delivery mouth

The only feature the two groups of inventions have in common is the application of both the apparatus of claim 1, and the delivery means of claim 19, in dispensing of paste food such as ice cream. This does not represent a special technical feature, since apparatus for dispensing of paste food is known since a long time. Since the respective independent claims 1 and 19 do not have any special common technical features, the requirements for unity according to Rule 13 PCT are not fulfilled.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 206

Continuation of Box 3.

Claims 19-26 concern a group of inventions outside of the one defined in claims 1-18.

Claim 27 does not comprise technical features, but only references to other claims and the description.

Patent Family Annex
Information on patent family members

International Application No
PCT/IT2004/000334

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
US 3070933	A	01-01-1963	NONE	
US 2003085237	A1	08-05-2003	CA 2465925 A1 CN 1471832 A EP 1448939 A2 WO 03041513 A2 US 2004112078 A1	22-05-2003 04-02-2004 25-08-2004 22-05-2003 17-06-2004
US 3001770	A	26-09-1961	NONE	
US 2919724	A	05-01-1960	NONE	
WO 9300824	A	21-01-1993	NO 912624 A AT 128326 T DE 69113472 D1 DE 69113472 T2 DK 547183 T3 EP 0547183 A1 JP 6500235 T WO 9300824 A1 US 5322432 A	05-01-1993 15-10-1995 02-11-1995 07-03-1996 19-02-1996 23-06-1993 13-01-1994 21-01-1993 21-06-1994
EP 0770332	A	02-05-1997	EP 0770332 A1 AT 201303 T AU 715353 B2 AU 7020396 A BR 9605142 A CA 2187940 A1 CN 1154801 A ,B DE 29522295 U1 DE 59509291 D1 DK 770332 T3 ES 2158041 T3 GR 3036331 T3 JP 9107885 A PT 770332 T TR 970389 A2 US 6203831 B1 US 2001018083 A1 ZA 9608697 A	02-05-1997 15-06-2001 20-01-2000 24-04-1997 07-07-1998 17-04-1997 23-07-1997 12-07-2001 28-06-2001 13-08-2001 01-09-2001 30-11-2001 28-04-1997 30-11-2001 21-05-1997 20-03-2001 30-08-2001 15-04-1998

Important Information

general

- the **claims cannot be changed** at this point in the procedure, the transmitted report is **not** the ISR (see Art. 19 PCT)
- non-payment does not lead to a **loss of rights**, a new procedure will be started on entry into the regional or national phase
- any payments have to be effected **directly** to this ISA (account details on separate sheets), payments to other entities will not be accepted
- in case of a **total of more than 2 inventions** found: when paying please **specify exactly** which claims should be searched
- an **extension of the set time limit** may be granted, however, the total number of days **shall not exceed 45 days** (Rule 40.3 PCT). It has to be requested in writing (preferably faxed) and must be received by this ISA within the first time limit, i.e. 30 days calculating from the date of mailing.

payment by cheque or money transfer:

- the **date of payment** is considered to be the **date the money is booked** in the EPO account
- faxed cheques are not considered to be a valid payment
- only payments in EUR are accepted, no equivalents in other currencies
- payments by **credit card** are **not possible**

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- the **date of payment** is considered to be the date that the **authorisation** to deduct fees from the deposit account is **received at the EPO**

***note:** if you don't have a deposit account with the EPO yourself you might want to consider using the account of an associate as a safe and quick way of paying*

payments under protest according to Rule 40 PCT:

- the protest will **not be accepted without a payment** of additional search fee(s)
- the protest has to be **accompanied by a technical reasoning**
- no **protest fee** needs to be paid yet, only additional **search fee(s)**